

### REMARKS

Applicant requests favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Of claims 1-15 that were pending in the application, claims 1-9, 12, and 15 were rejected in the Office Action. Applicant greatly appreciates the positive indication of allowable subject matter in claims 10, 11, 13, and 14. In response to this positive indication, claims 10, 11, 13, and 14 have been amended to be in independent claim format. In addition, Applicant has: (a) amended pending claim 1; and (b) canceled claims 2 and 15, without prejudice or disclaimer. Accordingly, claims 1 and 3-14 remain pending for further consideration.

#### **1. Rejections of Claims 1-9, 12, and 15**

The Examiner rejected: (a) claims 1-3, 7, 12, and 15 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,483,850 ("Yamauchi"); (b) claims 1, 2, 7-9, 12 and 15 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,480,014 ("Barton"); (c) claim 3 under 35 U.S.C. § 103(a) as allegedly being obvious when considering Barton in view of Yamauchi; and (d) claims 4-6 under 35 U.S.C. § 103(a) as allegedly being obvious in view of Yamauchi. Preliminarily, the aforementioned rejections of claim 2 (which was generally incorporated into claim 1) and claim 15 are now moot due to their cancellation herein, without prejudice or disclaimer. Accordingly, the aforementioned rejections will be addressed, and respectfully traversed, with respect to claims 1, 3-9, and 12.

As amended herein, claim 1 (*i.e.*, the claim from which claims 3-9 and 12 depend) recites a hydraulic passage structure of an automatic transmission having at least one friction element for gearshift, the friction element comprising a drum. This hydraulic passage structure includes, among other possible things (*italic emphasis added*):

*a housing;*

*a midway wall formed integrally with, and protruding inwardly from, the housing;*

*a sleeve which is fitted into an inner circumference portion of the housing;*

*a center member joined integrally with the drum of the friction element, the center member being inserted in an inner circumference of the sleeve;*

*a radial passage formed in the midway wall;*

*a sleeve passage formed in the sleeve, the sleeve passage connecting with the radial passage of the midway wall; and*

*a center member passage formed within the center member, the center member passage connecting the friction element and the sleeve passage, line pressure being supplied to the friction element via and in order of the radial passage, the sleeve passage, and the center member passage.*

As hereinafter explained, no combination of Yamauchi and Barton teaches or suggests the hydraulic passage structure recited in claim 1.

The instant invention teaches, for example in ¶ [0040], that “[a] midway wall 8 is disposed approximately halfway axially within transmission case 3. . . .” Figures 3-6 of the instant application pictorially show this aspect of the present invention. Specifically, as shown in Figures 3-6, the midway wall 8 is formed integrally with a transmission case 3 (housing) and extends inwardly from the housing toward the center axis of the transmission case. A radial passage 8a-c is formed in midway wall 8. The arrangement of friction element 15; center shaft 9, fitted with fluid passages 9a-c; and sleeve 65, fitted with fluid passages 65a-c enable the radial fluid passages to be provided in midway wall 8, thereby both eliminating the need for machining to form other fluid passages and making it possible to form midway wall 8 integrally with the transmission case 3, as shown in Figures 3-6. As hereinafter explained Yamauchi and Barton both fail to teach or suggest such a structure.

Yamauchi: The Examiner asserts that Yamauchi teaches: (a) “a housing 24” (*see* Office Action at p. 2); and (b) “a midway wall 24 formed integrally [with the housing 24], the radial passage of the housing being formed in the midway wall” (*see* Office Action at p. 3). Applicant respectfully disagrees. As amended, claim 1 clarifies that the housing and the midway wall are two distinct, but integrally joined, parts of the hydraulic passage structure. Support for this amendment is provided by the distinct, but integrally joined, transmission case 3 and midway wall 8 shown in Figure 4. In light of this amendment, the Examiner can not generally analogize Yamauchi’s oil pump cover 24 to both the housing and the midway wall recited in claim 1. Moreover, even if the Examiner were to analogize Yamauchi’s transmission case 10 to the housing recited in claim 1, such an analogy would also be improper because Yamauchi teaches that the transmission case 10 (housing) is connected to the oil pump cover 24 (midway wall) by way of bolt 26. In other words, as Yamauchi’s transmission case 10 (housing) and oil pump cover 24 (midway wall) are bolted together, they are not “integrally” formed, as above-italicized in claim 1. Accordingly, contrary to the Examiner’s assertion, Yamauchi fails to teach or suggest at least the above-italicized limitations of claim 1.

Barton: The Examiner asserts that Barton teaches a hydraulic passage structure “wherein the housing comprises a midway wall (MW) which is formed integrally therewith, the radial passage of the housing being formed in the midway wall.” *See* Office Action at p. 4. Applicant respectfully disagrees. Barton discloses a double clutch structure in which a single passage (RP) is formed in the upper portion of the housing (H, MW). *See* Barton Figs.

1-2 and Office Action Exhibit A. The single passage (RP), however, is not formed in the midway wall (MW). Accordingly, contrary to the Examiner's assertion, Barton fails to teach or suggests at least the above-italicized limitation of claim 1.

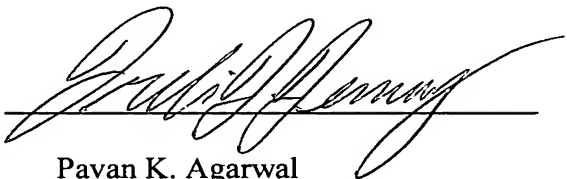
In light of the foregoing, it is clear that neither Yamauchi nor Barton teaches or suggests a radial passage formed in the midway wall that is integrally formed with a housing. As a result, no combination of Yamauchi and Barton teaches or suggests at least the above-italicized limitation of claim 1. As a result, Yamauchi and Barton can not be used to reject claim 1, or any claim dependent thereon, under 35 U.S.C. §§ 102(b) and 103(a). Moreover, as claims 3-9 and 12 depend from claim 1, each of these dependent claims is also allowable over Yamauchi and Barton, without regard to other patentable limitations recited therein. Accordingly, a withdrawal of the various rejections of claims 1, 3-9, and 12 under 35 U.S.C. §§ 102(b) and 103(a) is both warranted and respectfully requested.

### CONCLUSION

For the aforementioned reasons, claims 1 and 3-14 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

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